IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 11TH JANUARY 2007 / 21ST PAUSHA 1928

Bail Appl..No. 118 of 2007()

Crime No.236/06 of Kasaba Police Station

: PETITIONER/1ST ACCUSED

MATHEW, S/O. VARGHESE, AGED 45 YEARS,
NELLIMOOTTIL, GUDALLUR, NEELAGIRI DISTRICT.

BY ADV. SRI.SUNNY MATHEW

RESPONDENT: COMPLAINANT

STATE OF KERALA, THROUGH THE
SUB INSPECTOR OF POLICE,
KASABA POLICE STATION, REPRESENTED BY
THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI. P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 11/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.Ramkumar, J.

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B.A.No. 118 of 2007

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Dated this the 11th day of January, 2007.

ORDER

Petitioner, who is the first accused in Crime No.236 of 2006 of Kasaba Police Station, Kozhikode for an offence punishable under Section 21 of Narcotic Drugs and Psychotropic Substances Act, 1985 for allegedly having been found in joint possession of 930 grams of brown sugar on 10.7.2006 and who was arrested on the same day, seeks his enlargement on bail.

2. Even though the learned Public Prosecutor opposed the application. He fairly conceded that no charge sheet has been filed within 180 days of detention. Hence, by virtue of the proviso to Section 167(2) Cr.P.C. read with Section 36A of N.D.P.S. Act, the petitioner is entitled to be released on bail as of right.

3. Accordingly, the petitioner is directed to be released on bail on his executing a bond for Rs.35,000/- (Rupees thirty five thousand only) with two solvent sureties each for the like amount to the

satisfaction of the Special Judge (NDPS Act Cases), Vadakara and subject to the following conditions:-

1. Petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

2. Petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

3. Petitioner shall make himself available for interrogation as and when required by the Investigating Officer.

4. Petitioner shall not commit any offence while on bail.

If the petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

This application is allowed as above.

V.Ramkumar,
Judge.

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